

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING COMMISSION
PUBLIC HEARING**

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

Tuesday, May 5, 2009

7:30 P.M.

CALL TO ORDER -CHAIRMAN DENNIS SCHERMERHORN

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, May 5, 2009 at the Municipal Facility, 201 Acacia Drive. Zoning Petition #173 was presented to the Commission by Michael Kryza and Madonna Kral, owners of the property at 11170 Ashbrook Lane, who are requesting a rear yard variation and amendment to the Ashbrook Development Planned Unit Development to allow for the reconstruction of a deck that encroaches into the rear yard setback of a single family residence. The meeting was convened at 7:30 p.m. by Chairman Schermerhorn and Kathy Leach, Zoning Commission Secretary, called the meeting to order.

ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Chairman Dennis Schermerhorn
Commissioner Diane Andrews
Commissioner Noreen Costelloe
Commissioner Denise Ingram

NOT PRESENT:

Commissioner Mike Lopez
Commissioner Earl O'Malley
Commissioner Jack Yelnick

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Schermerhorn the Planning and Zoning Commission members led the audience in reciting the Pledge of Allegiance to the Flag as follows: *“I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all”*.

**QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK
RESIDENTS/PROPERTY OWNERS IN ATTENDANCE REGARDING ZONING
AGENDA ITEMS**

None

**PUBLIC HEARING HELD BEFORE THE VILLAGE OF INDIAN HEAD
PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS
RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING
COMMISSION MEMBERS AND PRIOR TO VOTES)**

ZONING AGENDA ITEM:

- 1. Petition #173 – A Public Hearing to Consider a Zoning Petition for a Rear Yard Variation and an Amendment to the Ashbrook Development Planned Unit Development Regarding the Reconstruction of a Deck at 11170 Ashbrook Lane, Indian Head Park.**

Chairman Schermerhorn noted that an application for a rear yard zoning variation and an amendment to the Ashbrook Development Planned Unit Development was filed with the Village to allow for the reconstruction of a deck into the rear yard setback of the property located at 11170 Ashbrook Lane. The subject is zoned R3A Planned Unit Development. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition form dated March 27, 2009 signed by Mr. Michael Kryza requesting a rear yard variation and an amendment to the Ashbrook Development P.U.D; (2) a certificate of publication notice in the Suburban Life newspaper on Wednesday, April 8, 2009; (3) a letter of approval from the Ashbrook Estate Homes Association Board dated March 16, 2009 stating the proposed deck meets the requirements, guidelines and standards of the Association; (4) a plan review report dated March 23, 2009 prepared by the Village's plan review consultant; (5) a list of adjacent property owners within the Planned Unit Development area; (6) a copy of a Plat of Survey of the subject property (Lot #45 in Ashbrook); (7) proposed architectural deck design plans dated March 8, 2009; (8) a copy of the letter that was sent to the adjacent property owners dated April 8, 2009; (9) a memo to public works regarding posting of the zoning sign on the subject property.

Mr. Michael Kryza stated that he has been a resident of Ashbrook for about ten years and he is interested in reconstructing an existing deck into the rear yard of his property. He noted: (1) his home was the model home in the Ashbrook Development before the other single family homes were constructed and the deck was added by the developer after the model home was built; (2) the builder had concerns with safety since it was a model home and added a smaller deck to

prevent unauthorized access at the back of the house; (3) the builder added stairs down to grade off of the existing smaller deck when the home was purchased ten years ago; (4) the current deck is rather small measuring nine-feet (9') by nine-feet (9') which provides room for only a small table and a few chairs and; (5) a larger deck would be nice to be able to enjoy the rear yard and also to beautify the property by reconstructing an existing deck that is beginning to deteriorate. Mr. Kryza stated that the Village's plan review consultant noted in his report that the builder constructed the original deck approximately three-feet (3') over the easement and a rear yard variance is needed for the additional two-feet (2') to reconstruct the deck slightly larger than the original approved deck. Mr. Kryza further stated that other alternatives were considered to reconstruct the deck in another direction to minimize an encroachment, there is an existing beautiful large River Birch close to the deck structure that he intends to preserve and maintain and the new deck will not encroach on any neighbors properties or views.

Mr. Kryza stated that the deck would be constructed of a light finish hard wood with a hard wood decorative trim that will beautify his existing home. Commissioner Andrews inquired about a concrete structure shown on the plat of survey and she asked Mr. Kryza if that is part of the new construction. Mr. Kryza stated that the builder installed a three-foot (3') concrete landing at the base of the stairs down to grade when the original deck was built and the concrete landing will be removed with the original deck structure. The Commission members complimented Mr. Kryza on the detailed plans he provided for the scope of work to be completed as part of the deck project. Chairman Schermerhorn pointed out that any change to a previously approved Planned Unit Development requires a public hearing process before the Planning and Zoning Commission to consider the request. He noted that if the deck were to be constructed of the same size as approved under the Planned Unit Development, a building permit would only be needed.

Commissioner Andrews asked if an existing basement window would be covered when the new deck is built. Mr. Kryza stated that the deck would be built about five-feet off the ground and constructed east to the edge of the back of the house, the basement window would not be enclosed beneath the deck and there are no buried utilities that would be impacted. He noted that the primary functional main floor windows at the back of the house would remain open and the deck would not be constructed in that area. Mr. Kryza stated that he also contacted the utility locating company to come out to mark all of the buried utilities to show their locations to determine the placement of the deck structure before building the deck.

Chairman Schermerhorn noted that no letters were received from individual adjacent property owners in favor of granting the zoning relief requested or opposing the requested variation and amendment. He noted that the Ashbrook Estate Homes Association Board provided a letter of approval regarding this zoning request.

Mr. Jim Nix, stated that he is a neighbor of Mike Kryza across the street at 11145 Ashbrook Lane. He added that the proposed plan for the deck is a good plan and he is in favor of approving the request for a new deck.

The Commission members reviewed the following Findings of Fact with regard to the residential property at 11170 Ashbrook Lane to evaluate evidence presented in response to the following criteria before recommending a variation, as required by the Village's Zoning Ordinance, ***Title 17 Zoning, Section 17.23.060E***: (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located (not applicable -- this reference pertains only to commercial properties); (2) the plight of the owner is due to unusual circumstances (all commissioners agree); (3) the variation, if granted, will not alter the essential character of the locality (all commissioners agree); (4) the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out (all commissioners agree); (5) the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification (all commissioners agree); (6) the purpose of the variation is not based upon a desire to make money out of the property (all commissioners agree); (7) the alleged difficulty or hardship has not been created by any person presently having an interest in the property (all commissioners agree); (8) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located (all commissioners agree); (9) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood (all commissioners agree).

Commissioner Andrews moved, seconded by Commissioner Costelloe, to accept the findings of fact with regard to the zoning matter before the Planning and Zoning Commission this evening. Motion carried by unanimous roll call vote (4/0/3).

Aye: Chairman Schermerhorn, Commissioners: Andrews, Costelloe, Ingram

Nay: None

Absent: Commissioners: Lopez, O'Malley, Yelnick

Chairman Schermerhorn entertained a motion to submit a recommendation to the Village Board to accept the petition as presented for approval. Commissioner Ingram moved, seconded by Commissioner Costelloe, to submit a recommendation to the Village Board for approval of a rear yard variation of 4.98 feet and an amendment to the Ashbrook Development Planned Unit Development to allow for the reconstruction of a rear yard deck that encroaches into the rear

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yard setback of the property located at 11170 Ashbrook Lane as proposed in the plans presented to the Commission subject to the following conditions: (1) that the deck will remain open to the sky and will not be enclosed; (2) that the Village's tree protection and preservation requirements will be followed to preserve any trees in the area of the project. Carried by unanimous roll call vote (4/0/3).

Aye: Chairman Schermerhorn, Commissioners: Andrews, Costelloe, Ingram

Nay: None

Absent: Commissioners: Lopez, O'Malley, Yelnick

Chairman Schermerhorn stated that a report will be presented to the Village Board at the next meeting and a recommendation will be provided to approve granting a rear yard variation and an amendment to the Ashbrook Development Planned Unit Development for the property located at 11170 Ashbrook Lane.

PUBLIC COMMENTS FROM THE AUDIENCE

Chairman Schermerhorn noted that there were no public comments from the audience regarding this zoning petition.

REVIEW AND APPROVAL OF PLANNING AND ZONING COMMISSION MEETING MINUTES (DISCUSSION AND A POSSIBLE VOTE MAY TAKE PLACE)

★ *Minutes of the Planning and Zoning Commission Meeting held April 14, 2009*

Upon review of the minutes presented from the meeting held on Tuesday, April 14, 2009, Commissioner Costelloe moved, seconded by Commissioner Ingram, to approve the April 14, 2009 meeting minutes, as presented. Carried by unanimous voice vote (4/0/3).

ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner Andrews moved, seconded by Commissioner Costelloe, to adjourn the meeting at 8:10 p.m. Carried by unanimous voice vote (4/0/3).

Respectfully Submitted,
Kathy Leach, Recording Secretary
Planning and Zoning Commission